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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/697,125
Filing Date: October 31, 2003
Appellant(s): CHEVANNE ET AL.

Theodore C. Shih
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/05/2009 appealing from the Office action mailed 10/30/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments after Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2005/0267935	Gandhi et al.	06/2005
2003/0202408	Chobotaro et al.	06/2003

6,611,867

Bowman-Amuah et al.

08/1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5 – 11, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Gandhi et al. (US 2005/0267935).

Regarding claims 1 and 11, a device for controlling equipment management data in a communications network comprising a network management system capable of managing said equipment management data using previously loaded management data modules, associated with said equipment management data and stored in a memory, **[User Control Point. The set of modules that enable communication with a UPnP Controlled Device. User Control Points initiate discovery and communication with**

Controlled Devices, and receive Events from Controlled Devices, wherein the controlled devices are the equipment managed using loaded management loaded modules, (Gandhi et al., Paragraph 0059, Page 4)];

said device comprising control means, which when there is a request by said network management system to take over at least one new item of equipment management data in said communications network, extracts from said memory the management data module associated with said at least one new item of equipment, **[A User Control Point uploads the Description Document and extracts the URLs of the Servers running on the Controlled Device or Bridge, wherein the description documents are the management data associated with the new controlled device, (Gandhi et al., Paragraph 0184, Page 10)];**

and then loads into said network management system each new management data module extracted, dynamically, so that the management by said network management system of said equipment management data in said communications network is not interrupted, **[in configured networks, dynamic detection allows an operating system to immediately begin using added devices or stop using removed devices without rebooting, wherein the new device is managed and the management data is loaded without rebooting or interrupting the network, (Gandhi et al., Paragraph 0568, Page 29)].**

Regarding claim 5, a device according to claim 1 wherein said control means loads management data modules according to at least a first mode in which said

management data modules are loaded independently of any dependencies between said management data modules and a second mode in which, in loading said management data modules, account is taken of any dependencies between them, **[a Bridge that is also a Controlled Device must announce Bridged Devices and local Controlled Devices independently, with appropriate unique identifiers, Description Documents and associated URLs, (Gandhi et al., Paragraph 0197, Page 11)]**.

Regarding claim 6, a device according to claim 1 wherein each management data module consists of at least one descriptor, **[Gandhi et al., Fig. 7, Ref # 226, wherein the management data is a description document]**.

Regarding claim 7, a device according to claim 6 wherein the at least one descriptor consists of at least one program code file and at least one configuration file, **[The UCP can be written in C, C++, VB, or script code, so the mechanism for passing on notifications can be different, (Gandhi et al., Paragraph 0289, Page 18)]**.

Regarding claim 8, a device according to claim 7 wherein said at least one program code files of said at least one descriptor comprises first data designating a type to which an item of network equipment belongs, **[A Device Definition includes a Device Type Identifier, the fixed elements in the Description Document, the**

required set of Service Definitions in the Root Device, and the hierarchy of required Devices and Service Definitions, (Gandhi et al., Paragraph 0067, Page 4));

and another of said program code files of said at least one descriptor comprises second data designating a management information base definition associated with said equipment management data and accessible to said network management system, **[Service Definition includes a Service Type Identifier, definition of the Service State Table (SST), definition of the Service Command Set, the Service Control Protocol (SCP) and Service Control Protocol Declaration, (Gandhi et al., Paragraph 0068, Page 4)].**

Regarding claim 9, a device according to claim 7 wherein said program codes are in Java language, **[The module that runs in a Controlled Device that responds to HTTP GET or Presentation URLs and returns user interface using web technologies JavaScript, (Gandhi et al., Paragraph 0098, Page 6)].**

Regarding claim 10, a management device according to claim 9 in which said management device is coupled to management means and wherein management server in a communications network, comprises said management means which manages network equipment using loaded management data modules, associated with the said network equipment and stored in a memory, **[Gandhi et al., Fig. 7, wherein**

the controlled device contains a management data which enables the management device to control the equipment].

Regarding claim 15, a method according to claim 11 wherein management data modules are loaded independently of dependencies thereof or taking account of said dependencies thereof, **[a Bridge that is also a Controlled Device must announce Bridged Devices and local Controlled Devices independently, with appropriate unique identifiers, Description Documents and associated URLs, (Gandhi et al., Paragraph 0197, Page 11)].**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 4, 12, 13, 14, and 16 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gandhi et al. (US 2005/0267935) in view of Chobotaro et al. (US 2003/0202408).

Regarding claims 2, and 12, Gandhi teaches a general programmatic interface-to-network messaging adapter exposes a suitable object integration interface or

application programming interface to applications on a controller device and sends network data messages to invoke services or query status of a controlled device;

Gandhi fails to teaches to put said new management data module loaded on standby so as to continue the management of said prior version of the equipment from said old management data module, until said new version of the equipment is integrated;

Chobotaro teaches a device wherein said control means which controls, whenever a new management data module is loaded, associated with a new version of equipment which has not yet been integrated in said communications network while an old management data module associated with a prior version of the equipment is still loaded and said prior version of the equipment is still integrated in said communications network, i) to put said new management data module loaded on standby so as to continue the management of said prior version of the equipment from said old management data module, until said new version of the equipment is integrated, **[If the non-volatile memory does contain supplemental device driver control data 127, then the supplemental device driver control data 127 is read into system memory (304) and the device driver control data 115 that had been read into system memory is replaced or added to with the supplemental device driver control data (305), wherein the new data awaits or is in a standby mode to continue the management of prior version, (Chobotaro et al., Paragraph 0016, Page 2)];**

and then ii), when data indicating an integration of said new version of the equipment are received, to put said new management data module loaded into service

so as to provide the management of said new version of the equipment from said new management data module, **[If the non-volatile memory 120 does not contain the supplemental data or contains different supplemental data, then the new device driver control data is written (204) to non-volatile memory 120, (Chobotaro et al., Paragraph 0016, Page 2)]**; in order to update its control data whenever the device driver is initiated, **(Paragraph 0016), (Page 2).**

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Gandhi et al. by to put said new management data module loaded on standby so as to continue the management of said prior version of the equipment from said old management data module, until said new version of the equipment is integrated in order to update its control data whenever the device driver is initiated, **(Paragraph 0016), (Page 2).**

Regarding claim 3, a device according to claim 2 wherein said standby consists firstly of allowing the management of said new version of the equipment from said new management data module, without taking account of any error messages related to its non-integration in said communications network, **[Gandhi et al., FIG. 2 that the remote controller 204 provides a user interface (UI) 240 that allows a user to enter control data for controlling the controlled device 206]**;

and secondly to send a message to said old management data module indicating that a change of version is under way and that said old management data module must not take account of at least some of the error messages related to a conjoint

management of the old and new versions of the equipment, **[Networking also allows multiple devices to establish one or more connections with a single device, and it allows for a device to be capable of both initiating and accepting connections to/from other devices, wherein the new device and new management data indicates a change of version is under way, (Gandhi et al. Paragraph 0048, Page 3)].**

Regarding claim 13, a method according to claim 12 wherein said putting on standby comprises firstly of allowing the management of said new version of the equipment from said new management data module, without taking account of any error messages related to its non-integration in said communications network, **[Gandhi et al., FIG. 2 that the remote controller 204 provides a user interface (UI) 240 that allows a user to enter control data for controlling the controlled device 206];**

and secondly to send a message to said old management data module indicating that a change of version is under way and that said old management data module must not take account of at least some of the error messages related to a conjoint management of the old and new versions of the equipment, **[Networking also allows multiple devices to establish one or more connections with a single device, and it allows for a device to be capable of both initiating and accepting connections to/from other devices, wherein the new device and new management data indicates a change of version is under way, (Gandhi et al. Paragraph 0048, Page 3)].**

Regarding claims 4 and 14, Gandhi teaches a general programmatic interface-to-network messaging adapter exposes a suitable object integration interface or application programming interface to applications on a controller device and sends network data messages to invoke services or query status of a controlled device;

Gandhi fails to teaches deleting the old management data module

Chobotaro teaches a device wherein said control means which, in a case of synchronization between said new version of the equipment and said new management data module, deletes said old management data module, **[Chobotaro et al., Fig. 3, Ref # 305, wherein the device driver control data 115 that had been read into system memory is replaced or added to with the supplemental device driver control data and the old data is replaced and deleted]**; in order to the content of the device driver supplemental data may be easily modified in the future, **(Paragraph 0019), (Page 2)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Gandhi et al. by deleting the old management data module so that the content of the device driver supplemental data may be easily modified in the future, **(Paragraph 0019), (Page 2)**.

Regarding claim 16, a method according to claim 12 wherein said management data module comprises of at least one descriptor, **[Gandhi et al., Fig. 7, Ref # 226, wherein the management data is a description document]**.

Regarding claim 17, a method according to claim 16 wherein the at least one descriptor comprises of at least one program code file and at least one configuration file, **[The UCP can be written in C, C++, VB, or script code, so the mechanism for passing on notifications can be different, (Gandhi et al., Paragraph 0289, Page 18)]**.

Regarding claim 18, a method according to claim 17 wherein one of said program code files of said at least one descriptor comprises first data designating a type to which an item of equipment in the network belongs, **[A Device Definition includes a Device Type Identifier, the fixed elements in the Description Document, the required set of Service Definitions in the Root Device, and the hierarchy of required Devices and Service Definitions, (Gandhi et al., Paragraph 0067, Page 4)]**;

and another of said program code files said at least one descriptor comprises second data designating a management information base definition associated with said item of equipment and is accessible, **[Service Definition includes a Service Type Identifier, definition of the Service State Table (SST), definition of the Service Command Set, the Service Control Protocol (SCP) and Service Control Protocol Declaration, (Gandhi et al., Paragraph 0068, Page 4)]**.

Regarding claim 19, a method according to claim 18 wherein said program codes are in Java language, **[The module that runs in a Controlled Device that responds**

to HTTP GET or Presentation URLs and returns user interface using web technologies JavaScript, (Gandhi et al., Paragraph 0098, Page 6)].

Regarding claim 20, a method according to claim 19 in which management server comprises said device and management means manages network technologies, **[Gandhi et al., Fig. 7, wherein the controlled device contains a management data which enables the management device to control the equipment].**

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gandhi et al. (US 2005/0267935) in view of Chobotaro et al. (US 2003/0202408), and further in view of Bowman-Amuah et al. (6,611,867)

Regarding claim 21, The modified Gandhi teaches a general programmatic interface-to-network messaging adapter exposes a suitable object integration interface or application programming interface to applications on a controller device and sends network data messages to invoke services or query status of a controlled device;

The modified Gandhi fails to teach network comprises WDM, SONET and SDH type, IP and ATM type, conventional, mobile and NGN type.

Bowman-Amuah teaches said network technologies are chosen from a group comprising: transmission networks comprising, WDM, SONET and SDH type, data networks; comprising IP and ATM type, and voice networks comprising, conventional, mobile and NGN type, **[Bowman-Amuah, Fig. 51, Col. 7, Lines 35 – 60]**, in order to

solve a major challenge, off loading data traffic from the voice infrastructure to alleviate the congestion issues that face traditional voice customers, (**Bowman-Amuah, Col. 19, lines 45 – 60**);

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the modified Gandhi et al. to include a network that comprises WDM, SONET and SDH type, IP and ATM type, conventional, mobile and NGN type, to solve a major challenge, off loading data traffic from the voice infrastructure to alleviate the congestion issues that face traditional voice customers of Bowman-Amuah in order to solve a major challenge, off loading data traffic from the voice infrastructure to alleviate the congestion issues that face traditional voice customers, (**Bowman-Amuah, Col. 19, lines 45 – 60**).

(10) Response to Argument

Argument -1, (pages 12 line 7)

Applicant argued that the prior art does not teach a device for controlling equipment management data in a communications network comprising a network management system capable of managing said equipment management data using previously loaded management data modules, associated with said equipment management data and stored in a memory, said device comprising control means which when there is a request by said network management system to take over at least one new item of equipment management data in said communications network, extracts

from said memory the management data module associated with said at least one new item of equipment.

Examiner Response:

The Examiner disagrees; the reference teaches a device for controlling equipment management data in a communications network comprising a network management system capable of managing said equipment management data using previously loaded management data modules, associated with said equipment management data and stored in a memory, user Control Point. The set of modules that enable communication with a UPnP Controlled Device. User Control Points initiate discovery and communication with Controlled Devices, and receive Events from Controlled Devices, wherein the controlled devices are the equipment managed using loaded management loaded modules, **(Gandhi et al., Paragraph 59)**;

said device comprising control means, which when there is a request by said network management system to take over at least one new item of equipment management data in said communications network, extracts from said memory the management data module associated with said at least one new item of equipment, a User Control Point uploads the Description Document and extracts the URLs of the Servers running on the Controlled Device or Bridge, wherein the description documents are the management data associated with the new controlled device, **(Gandhi et al., Paragraph 184)**,

and then loads into said network management system each new management data module extracted, dynamically, so that the management by said network

management system of said equipment management data in said communications network is not interrupted, in configured networks, dynamic detection allows an operating system to immediately begin using added devices or stop using removed devices without rebooting, wherein the new device is managed and the management data is loaded without rebooting or interrupting the network, **(Gandhi et al., Paragraph 568),**

Gandhi et al. further teaches a computing device providing a user control point with connectivity to at least one controlled device via a networking medium, the computing device comprising: memory having stored thereon a controlled device description artifact having a service control definition and a contract for configuring communications involved with at least one service provided by the at least one controlled device, wherein the contract comprises one or more of a definition of network packets, request-response patterns and specification of an endpoint to which the communications comprising networking messages are sent; a general programming interface-to-network messaging adapter operable as follows: based on the service control definition in the controlled device description artifact, to dynamically produce a service specific programming interface to application programs running on the computing device, to convert calls from the application programs to the service specific programming interface into the networking messages to the controlled device according to the contract specified in the controlled device description artifact; and to issue the networking messages via the networking medium to the controlled device to invoke service specific operations of the at least one service wherein a module is a component

of a device, software program, or system that implements some "functionality", which can be embodied as software, hardware, firmware, electronic circuitry, or etc. (**Gandhi et al., Paragraph 58**), and a user Control Point. The set of modules that enable communication with a UPnP Controlled Device. User Control Points initiate discovery and communication with Controlled Devices, and receive Events from Controlled Devices. User Control Points are typically implemented on devices that have a user interface. This user interface is used to interact with Controlled Devices over the network, (**Gandhi et al., Paragraph 59**).

Argument -2, (Page 14, line 18)

Applicant argues that the references do not teach that control means loads management data modules according to at least a first mode...and a second mode.

Examiner Response:

The Examiner disagrees; the reference teaches that said control means loads management data modules according to at least a first mode in which said management data modules are loaded independently of any dependencies between said management data modules and a second mode in which, in loading said management data modules, account is taken of any dependencies between them, a Bridge that is also a Controlled Device must announce Bridged Devices and local Controlled Devices independently, with appropriate unique identifiers, Description Documents and associated URLs, (**Gandhi et al., Paragraph 197**)).

Argument -3, (page 15, line 18)

Applicant argues that the references do not teach putting said new management data module loaded on standby so as to continue the management of said prior version of the equipment from said old management data module, until said new version of the equipment is integrated, but cites Chobotaro as allegedly curing the deficiencies of Gandhi. Appellants respectfully disagree with the Examiner's position.

Examiner Response:

The Examiner disagrees; the reference "Chobotaro" teaches a device wherein said control means which controls, whenever a new management data module is loaded, associated with a new version of equipment which has not yet been integrated in said communications network while an old management data module associated with a prior version of the equipment is still loaded and said prior version of the equipment is still integrated in said communications network, i) to put said new management data module loaded on standby so as to continue the management of said prior version of the equipment from said old management data module, until said new version of the equipment is integrated, If the non-volatile memory does contain supplemental device driver control data 127, then the supplemental device driver control data 127 is read into system memory (304) and the device driver control data 115 that had been read into system memory is replaced or added to with the supplemental device driver control data (305), wherein the new data awaits or is in a standby mode to continue the management of prior version, **(Chobotaro et al., Paragraph 0016, Page 2)**,

and then ii), when data indicating an integration of said new version of the equipment are received, to put said new management data module loaded into service so as to provide the management of said new version of the equipment from said new management data module, If the non-volatile memory 120 does not contain the supplemental data or contains different supplemental data, then the new device driver control data is written (204) to non-volatile memory 120, (**Chobotaro et al., Paragraph 0016, Page 2**).

Argument -4, (page 16, line 14)

Applicant argues that the references do not teach a remote controller 204, a user interface 240, or controlled device 206. Furthermore, the controlled device 106 in FIG. 2 of Gandhi fails to teach or suggest "said standby consists firstly of allowing the management of said new version of the equipment from said new management data module, without taking account of any error messages related to its non-integration in said communications network, and argues that the reference doesn't teach a remote controller 204, a user interface 240, or controlled device 206. Furthermore, the controlled device 106 in FIG. 2 of Gandhi fails to teach or suggest "said standby consists firstly of allowing the management of said new version of the equipment from said new management data module, without taking account of any error messages related to its non-integration in said communications network.

Examiner Response:

The Examiner disagrees; the reference teaches that wherein said standby consists firstly of allowing the management of said new version of the equipment from said new management data module, without taking account of any error messages related to its non-integration in said communications network, Gandhi et al., FIG. 2 that the remote controller 204 provides a user interface (UI) 240 that allows a user to enter control data for controlling the controlled device 206;

and secondly to send a message to said old management data module indicating that a change of version is under way and that said old management data module must not take account of at least some of the error messages related to a conjoint management of the old and new versions of the equipment, Networking also allows multiple devices to establish one or more connections with a single device, and it allows for a device to be capable of both initiating and accepting connections to/from other devices, wherein the new device and new management data indicates a change of version is under way, (**Gandhi et al. Paragraph 48**).

Argument -5, (page 17, lines 17)

Applicant argues that the references do not teach control means which, in a case of synchronization between said new version of the equipment and said new management data module, deletes said old management data module.

Examiner Response:

The Examiner disagrees; the reference "Chobotaro" teaches a device wherein said control means which, in a case of synchronization between said new version of the

equipment and said new management data module, deletes said old management data module, Chobotaro et al., Fig. 3, Ref # 305, wherein the device driver control data 115 that had been read into system memory is replaced or added to with the supplemental device driver control data and the old data is replaced and deleted.

Argument -6 (page 19, Lines 18-23)

Applicant argues that the references do not teach that network technologies are chosen from a group comprising: transmission networks comprising, WDM, SONET and SDH type, data networks; comprising IP and ATM type, and voice networks comprising, conventional, mobile, and NGN type.

Examiner Response:

The Examiner disagrees; the reference "Bowman-Amuah" teaches said network technologies are chosen from a group comprising: transmission networks comprising, WDM, SONET and SDH type, data networks; comprising IP and ATM type, and voice networks comprising, conventional, mobile, and NGN type, **Bowman-Amuah, Fig. 51, Col. 7, Lines 35 – 60].**

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/S. T. /

Shaq Taha

Examiner, Art Unit 2446

Conferees:

/Jeffrey Pwu/

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